



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

September 3, 2021

By ECF

The Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: *United States v. Davon Hawkins*, 21 CR 414 (KPF)

Dear Judge Failla,

The Government writes on behalf of the parties to request respectfully that the Court adjourn the conference scheduled for Wednesday, September 8, 2021 at 11:00 AM for approximately forty-five days to a date and time of convenience to the Court. Based on its communications with Calvin Scholar, counsel to the defendant, the Government understands that Mr. Scholar is engaged in an ongoing trial in the United States District Court for the Eastern District of New York, which conflicts with the conference and is expected to continue for multiple additional weeks. During the requested adjournment, the parties expect that they will continue to exchange further discovery and otherwise materially advance the progress of the case, including through additional discussions concerning the possibility of a pre-trial disposition. With the consent of the defendant, the Government further requests respectfully that the Court exclude time under the Speedy Trial Act from September 8, 2021 through the date of any adjournment pursuant to 18 U.S.C. § 3161(h)(7) on the basis that the interests of the public and the defendant in a speedy trial are outweighed here by the interests of the defendant in being able to appear and otherwise proceed with his appointed counsel, including through the further review of discovery and consideration of the availability of any pre-trial motions and the possibility of any pre-trial disposition.

Respectfully submitted,

AUDREY STRAUSS
United States Attorney

By: Thomas John Wright
Thomas John Wright
Assistant United States Attorney
(212) 637-2295

cc: Calvin Scholar (Counsel to Defendant Davon Hawkins) (by ECF)

Application GRANTED.

The Pretrial Conference previously scheduled for September 8, 2021, at 11:00 a.m., is hereby ADJOURNED to **October 26, 2021**, at **10 a.m.**

It is hereby ORDERED that time is excluded under the Speedy Trial Act between September 8, 2021, and October 26, 2021. The Court finds that the ends of justice served by excluding such time outweigh the interests of the public and the defendant in a speedy trial because it will permit Defendant to review pre-trial discovery and discuss pretrial resolutions of this case.

The Clerk of Court is directed to terminate the motion pending at docket #16.

Dated: September 3, 2021
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE